

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 2819 of 2015 (O&M)
Date of Decision: 14.7.2015.

Amar Sharma

.....Petitioner

Versus

Surinder Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.S.Khurana, Advocate
for the petitioner.

SABINA, J.

Respondent had filed the petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 ('Act' for short) seeking ejectment of the petitioner from the premises in question. Learned Rent Controller vide order dated 29.1.2015 allowed the ejectment petition. Hence, the present petition by the petitioner-tenant.

Learned counsel for the petitioner has submitted that the Trial Court has erred in ordering the ejectment of the petitioner as it was the case of the respondent himself that petitioner was not his tenant. Balwinder Singh another co-owner had also filed ejectment petition against the petitioner.

Respondent has sought ejectment of the petitioner from the premises in question by moving a petition under Section 13-B of the Act. The case of the respondent is that the premises in question was owned by his father and after the death of his father, respondent was owner of the premises in question. However, petitioner had failed to pay rent to the respondent. It is further

case of the respondent that he required the premises in question for his own personal use and occupation.

Petitioner moved an application for leave to defend/contest the petition. The said application was allowed by the Trial Court. A perusal of the application Annexure P-2 reveals that the case of the petitioner was that originally Ram Sarup Sharma, father of the petitioner, had taken the shop on rent from Mann Singh father of the respondent. Mann Singh had died in the year 1991 leaving behind his widow Iqbal Kaur and sons Surinder Singh and Balwinder Singh. Ram Sarup Dass had paid rent upto July 1991. However, Iqbal Kaur had refused to accept the rent thereafter.

Thus, the petitioner in his reply has described himself as the tenant of Mann Singh father of the respondent. Admittedly, respondent is son of Mann Singh. After the death of Mann Singh, respondent became co-owner qua the premises in question. Now the case of the respondent is that he requires the premises in question for his personal use and occupation. It is the settled proposition of law that the landlord is the best judge qua his needs and requirements. There is nothing on record to suggest that the need put-forth by the landlord that he wants to start his own business in the premises in question, is not genuine.

Moreover, as per Section 13 of the Act, protection has been given to the tenant that in case the landlord fails to occupy the premises in question within the stipulated period or rents out the same to another tenant, then evicted tenant can apply for restoration of possession to the Rent Controller.

Hence, the learned Rent Controller had rightly ordered

the ejectment of the petitioner from the demised premises.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 14, 2015
Gurpreet